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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,824	03/22/2001	Wayne T. Karpoff	019417-000210US	6397

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EXAMINER

MANIWANG, JOSEPH R

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/815,824

Applicant(s)

KARPOFF, WAYNE T.

Examiner

Joseph R Maniwang

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/22/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date see Office Action.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on 03/22/01, 10/16/01, 07/01/02, and 07/02/04 were in compliance with the provisions of 37 CFR 1.97.

Accordingly, the information disclosure statements were considered by the Examiner.

### ***Specification***

2. The disclosure is objected to because of the following informalities: numerous references to reference characters that are missing from the drawings beginning on p. 17. Appropriate correction is required.

3. Claim 18 is objected to because of the following informalities: claim 18 depends from non-existent claim 110. Appropriate correction is required. For the purposes of examination, Examiner will assume claim 18 was intended to depend on claim 10.

### ***Drawings***

4. The drawings are objected to because they lack various reference characters cited in the specification, and contain reference characters not mentioned in the specification. For example, Fig. 7 does not contain reference character "14" mentioned on p. 17 of the specification, and contains reference character "141" not mentioned in the specification. Additionally, there is no Fig. 16A as mentioned on p. 18, line 23 of the

specification. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Latif et al. (U.S. Pat. No. 6,400,730), hereinafter referred to as Latif, and further in view

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of Pothapragada et al. (U.S. Pat. No. 6,389,432), hereinafter referred to as Pothapragada.

7. Latif disclosed a system for transferring information between storage devices and a network. The invention was described in the context of a storage area network (SAN). Data was communicated by packets, which were processed and routed by a switching devices located in the network (see column 2, lines 34-65). The switch was coupled to the network and received the packets and processed them, acting as a first controller device for a storage device (see column 3, lines 6-22). The switch included ports, such as Fibre Channel ports, Infiniband ports, or Gigabit Ethernet ports (see column 4, lines 13-17; column 18, lines 18-20). Communications were also achieved through a PCI port (see column 19, lines 31-37). As is common in the art, the packets comprised headers and payload data (see column 8, line 15 through column 9, line 27). The header identified a messaging protocol being used (see column 8, lines 33-34).

8. The invention of Latif generally described a system in which a network of switches and storage devices used packeted communications for managing data in a SAN. However, Latif did not specifically disclose allowing a client to send a request to the SAN for streaming content and for delivering the requested content to the client over a data communication network.

9. In a related art of storage networks, Pothapragada disclosed a similar method and system for managing a storage area network (SAN). Pothapragada described a typical method for accessing network resources, wherein the system received a request issued by a requester, identified a device suitable for the request, and created a direct

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connection between the requester and the device for communication of data (see column 1, line 60 through column 2, line 3). Pothapragada described the invention in the context of a SAN, where the request was to access a storage device on the SAN and managed by a manager for processing the request (see column 2, lines 39-53). Pothapragada disclosed the use of routers/switches coupled to the network for interconnecting the SANs and other LANs/WANs (see column 2, lines 54-56; column 4, lines 40-46). Switches included a bus port for communicating with other devices, in which communication through Fibre Channel or Gigabit was possible (see column 5, lines 12-22). Communication of data was achieved through packets, which comprised header information and payload data, and identified a messaging protocol being used (see column 5, lines 40-61). Pothapragada implicitly disclosed the use of the HTTP protocol, stating that a server farm connected to the Fibre Channel switch could comprise WWW servers (see column 5, lines 1-12). The issued request could be to read data from a storage device (see column 10, lines 6-21), and Pothapragada disclosed that the data could be streaming data content, such as a video stream (see column 14, lines 21-31). Although Pothapragada primarily considered the requester to be a server or manager device, which was similar in concept to the system of Latif (see column 2, line 33), Pothapragada described a scenario in which an outside user could issue requests to a server, the server then accessing a SAN and fulfilling the request (see column 14, lines 32-38).

10. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Latif and Pothapragada to provide a system for

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delivering streaming content to a client in response to a request from the client, wherein a first controller device (or switch) associated with a storage system received the request from a server and retrieved the streaming content for direct delivery to the client as claimed. Latif provided clear teachings indicating the possibility of communication within a SAN using packets and making use of a switch as a control device. While focusing more on an "encapsulated" system that was capable of successfully communicating within itself, wide accessibility to storage devices remained a goal of Latif (see column 1, lines 59-63). The teachings of Pothapragada provided a system similar to Latif, but with the added functionality of "expanding" accessibility to outside network, such as LANs or WANs connected to the SAN through a router. One of ordinary skill in the art would have been motivated to consider the teachings of Pothapragada as they provided seamless expansion of online storage systems and did so while overcoming the limitations of using specialized or customized code (see column 1, lines 41-57). This would have clearly benefited Latif, who also recognized the need to expand the accessibility of network storing systems.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schneider et al. (U.S. Pat. No. 6,304,895) disclosed a method and system for remote access and control of a switch and device for communicating streaming video data.



Chan et al. (U.S. Pat. No. 6,192,411) disclosed a server for communicating a data stream over a network.

Congdon et al. (U.S. Pat. No. 6,151,297) disclosed a system for switching data packets through multiple ports.

Kouheris et al. (U.S. Pat. No. 5,758,085) disclosed a method and system for delivering video data from a server to clients over a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R Maniwang whose telephone number is (703) 305-3179. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Cuchlinski can be reached on (703)308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM



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